

MINUTES
Waukesha County Storm Water Advisory Committee Meeting
January 31, 2005

The meeting was called to order by chairman Perry Lindquist at 1:10 p.m. The following committee members were present:

Jim D'Antuono – Wisconsin Department of Natural Resources
Perry Lindquist – Waukesha County Land Resources
Gary Evans – Waukesha County Public Works
Tom Chapman – Milwaukee Metropolitan Sewerage District
Walter Kolb – Waukesha County Board of Supervisors
Tim Barbeau – R.A. Smith and Associates
Mike Hahn - SEWRPC
Richard Mace – Waukesha County Planning and Zoning
John Siepmann – Siepmann Realty Corporation
Randy Videkovich - Earth Tech Inc.
Gary Goodchild – WE Energies
Neal O'Reilly – Hey and Associates
Mark Mickelson – Welch, Hanson & Associates
Curt Bolton – Village of Sussex

Others present:

Mark Jenks - Waukesha County Land Resources (recorder)
Alan Barrows - Waukesha County Land Resources

Minutes

The group took a few minutes to review the minutes from the January 17, 2005 meeting. Perry asked if there were any suggested changes or comments on the minutes. Hearing no comments the minutes were approved by consensus.

Project / Program Updates:

None.

Continue review of 12/29/04 draft Storm Water Management & Erosion Control Ordinance

The group then began discussion of the draft Waukesha County ordinance starting where the discussion ended on January 17, 2005.

Sec. 14-335.(e) Technical Exemptions. Perry reminded the group that this section had been created after the initially proposed waivers section did not satisfy Corporation Counsel. He also indicated that he will be meeting with Corporation Counsel later this week and hopefully getting answers to concerns expressed about various portions of the ordinance. During discussion it was noted that in **1. B. Internally Drained Sites** it will still be required that runoff directed to pre-existing kettles will need pretreatment in order continue to function as infiltration areas.

Perry indicated that **1. C. Site Conditions** was crafted as sort of a “catch-all” section for areas that may not be able to meet the performance standards mandated by the rule. General discussion continued with most objections being raised to the phrase “the LRD shall be more lenient”. Suggestions were made on revised wording to this section such as “Areas that may be provided special consideration include...” or “Areas that may be considered for exemption include...” Gary Evans indicated that the standards interpretation of a public roadway is generally very broad and perhaps a definition for “highway” needs to be added to the ordinance. Gary Goodchild questioned where utilities fit into the ordinance. Perry responded that only the erosion control portion of the ordinance would apply to most utility installation projects. After more general discussion of this entire section it was suggested to move the entire opening paragraph of **1. C. Site Conditions** into a new number (**v**) and revise the wording to reflect the concerns expressed during the discussion.

Sec. 14-335.(e) 2. A. Written requests for exceptions will also need to include an explanation of why the exception is warranted.

Sec. 14-335. (e) 5. Payment in Lieu of Compliance. and **Sec. 14-335. (e) 6. Appeal.** will be renumbered to **Sec. 14-335. (e) 4.** and **Sec. 14-335. (e) 5.** respectively. Perry began the discussion by indicating these are new sections to the ordinance and at least one, **Sec. 14-335. (e) 5. Payment in Lieu of Compliance.** is optional, but is a practice that has been used in other ordinances around the country. Discussion followed on the logistics of placing this language into the ordinance. A list of standard practice costs would need to be developed. Mike Hahn indicated that SEWRPC has begun the process of updating SEWRPC Technical Report No. 31, *Costs of Urban Nonpoint Source Water Pollution Control Measures*, June 1991, but that the final product is still months from completion. If the group decides to keep this language in the ordinance, perhaps the costs from the 1991 report could temporarily be used if adjusted for inflation. John Siepmann indicated that the Builders Association would not generally be in favor of this section and that costs would have to be very justifiable. It was decided to leave this language in the draft ordinance.

Sec. 14-335. (f) Preliminary Storm Water Management Plan Requirements. Perry indicated that the only change here from the current language is that the **Note:** included under **7** has been slightly expanded in keeping with new technical standards for storm water practice design.

Sec. 14-335. (g) Final Storm Water Management Plan Requirements. Perry indicated that the majority of this section is from the existing checklist used by the county staff. Some new language has been inserted into **7.** pertaining to the suitability of materials for access lanes intended for storm water practice maintenance and designating 15 feet as the minimum width for any access easement. Also, **10.** is new language intended to address the need to ensure that storm water practices are constructed properly. During discussion it was decided to add additional language that will allow municipalities to use their engineers to do the inspections as well. It was also decided to expand the language to include timing and notification requirements in the inspection plan and some examples of critical inspection items. The county will develop a sample inspection plan that will be available on the web.

Sec. 14-335. (g) 12. C. will be corrected to read “**and cross referenced to the maps under par. B above;**”

Sec. 14-335. (g) 13. will be corrected to read “**Other items deemed necessary by the LRD ...**”

Sec. 14-336. Technical Standards and Specifications. While discussing this section there was concern expressed about (a) **Hydrologic and Hydraulic Computations. 1. Models.** being too limited with the current reference to Technical Release 55 (TR-55). As a result it was decided to reword this section to read “**shall be based on methodology published by NRCS...**” In addition it was decided to add language to the last sentence in the paragraph so it will now read “**may be used to evaluate the efficiency of the design in reducing total suspended solids and/or meeting infiltration requirements...**”

(a) **Hydrologic and Hydraulic Computations. 2. Rainfall depths.** Change “**derived from...**” to “**published by NRCS**”

During discussions of this section, it was noted that SEWRPC is presently working on developing a flood producing rainfall event model. The question was raised, should language be added to the ordinance that would allow for the use of equivalent methodology for rainfall distribution and depths. It was generally agreed upon that this would be appropriate and that language to allow this would best fit under **5. Other methods.**

It was also during this discussion that the question was asked, how could this ordinance be used or written to promote certain BMPs over others? Perry mentioned that this could become another “technical guideline” that the LRD publishes outside of the ordinance. It was noted that Milwaukee Metropolitan Sewerage District (MMSD) already had a similar document that could be adapted for this purpose. This topic may be explored further at future committee meetings.

Sec. 14-337. Maintenance of Storm Water BMPs

Perry began the discussion of this section by indicating that the language being added to the ordinance is intended to clarify ownership of the outlots on which storm water management practices are constructed. Owners of the facilities must be responsible for future maintenance. He also indicated that a cross reference will be added to indicate other maintenance options for BMPs located off-site or as part of an approved regional storm water management plan.

Perry concluded the discussion by indicating that **Sec. 14-338. Enforcement., Sec. 14-339. Appeals.,** and **Sec. 14-340. Severability.** will be added in the future after assistance is provided by the County Corporation Counsel’s office. The other section that remains is **Sec. 14-442. Definitions.** which has had a good deal of review already during discussions where each term was used in the ordinance. Since time has run out today, the final review of these sections will occur with the next draft of the full ordinance.

The next draft of the ordinance will combine all the comments and changes made to the 10/11/04 and 12/29/04 drafts.

Next Meeting Date

The next meeting is scheduled for Monday, February 14, 2005 at 1:00 PM. (**Note:** This date was later changed to Monday, February 21, 2005 at 1:00 PM.)